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DOCKETED

In re Application of
Robert John MABBOTT
Serial No.: 08/716,360
PCT No.: PCT/GB95/00601
Int. Filing Date: 17 March 1995
Priority Date: 18 March 1994
For: TRANSFER MATERIAL

DECISION ON
RENEWED PETITION
UNDER 37 C.F.R. §1.47(b)

This is a response to applicants' "Response to Decision on Petitions," filed 03 August 1999. The response is being treated as a renewed petition under 37 C.F.R. § 1.47(b) requesting that the Office accept the application without the signature of the sole inventor, Robert John MABBOTT. No fee is required.

BACKGROUND

On 04 February 1999, this Office mailed a Decision dismissing applicant's petition of 13 July 1998. The Decision indicated that the petitioner is required to provide a substitute declaration under 37 C.F.R. § 1.63 indicating the title of the person signing. In addition, the petitioner was requested to provide sufficient proof that the inventor refuses to execute the application or cannot be reached after diligent effort.

On 03 August 1999, the applicant's filed the instant petition requesting acceptance of the instant application without the signature of the sole inventor Robert John MABBOTT. The petition included the following:

A) A substitute declaration indicating the title "Director," for the signer of the declaration, Mr. Alan Porter.

B) A supplementary declaration of facts that provides support for the filing of the application due to the unavailability of the inventor, Robert John MABBOTT.

The Declaration includes the following exhibits:

Exhibit 1) A copy of the first letter to Miss Rodriguez (a Spanish Lawyer) in Palma to try to find MABBOTT. The letter is dated 22 November 1995.

Exhibit 2) A copy of a second letter to Miss Rodriguez dated 28 November 1995.

Exhibit 3) A copy of a fax message to Miss Rodriguez dated 29 December 1995 giving her details that Mabbott was operating from an office in Palma.

Exhibit 4) A copy of a letter from Stephen Oscroft from the firm of Balderton Warren which sets forth the steps that Mr. Porter must take to show that all reasonable steps have been taken to track down MABBOTT in order to serve a Demand upon him.

Exhibit 5) A third letter to Miss Rodriguez, in which Miss Rodriguez was instructed to place an advertisement in the English language newspaper published in Majorca.

Exhibit 6) A copy of a letter to MABBOTT'S parents in Bedford.

Exhibit 7) A copy of a letter to MABBOTT at his last known UK Address.

Exhibit 8) A copy of the envelope for the letter to Mr. MABBOTT dated 01 February 1996.

Exhibit 9) A copy of the advertisement in "Bedfordshire on Sunday" dated 04 February 1996.

Exhibit 10) A copy of the advertisement in the paper published on 03 February 1996.

Exhibit 11) A copy of the fax transmission report to the Majorcan Newspaper dated 01 February 1996 and the text of the advertisement.

Exhibit 12) A copy of a letter from Mrs. Dobbie dated 05 February 1996, which was in response to the advertisement in the Majorcan newspaper. The letter provided an address for MABBOTT's parents in Bedford.

Exhibit 13) A copy of the reply to Mrs. Dobbie dated 06 February 1996.

The petition urges that MABBOTT cannot be located after diligent effort and offers the exhibits above as proof of the diligent efforts to contact Mr. MABBOTT.

DISCUSSION

First, the substitute declaration executed by Mr. Alan Brian Porter, Director of ISO Developments, LTD under 37 C.F.R. § 1.63 meets the requirements to enter the national stage of the instant application. Accordingly, the applicant has met the requirement to provide a declaration by the applicant on behalf of and as agent for the ning-signing invertor. Secondly, in view of the above Exhibits and the statement made by Mr. Porter, petitioner has provided sufficient proof that the inventor cannot be reached after diligent effort.

CONCLUSION

For the reasons discussed above, the renewed petition for status under 37 CFR 1.47(b) is GRANTED.

The United States Designated/Elected Office (US/DO/EO) is authorized to accept the application as a 37 C.F.R. §1.47(b) application and to mail a Filing Receipt. The application will be given an international filing date of 17 March 1995 under 35 U.S.C. §363, and a date of 03 August 1999 under 35 U.S.C. §371(c) and §102(e).

As provided in 37 C.F.R. §1.47(b), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known addresses of record.

The application is being returned to the United States Designated/Elected Office for mailing a Notification of Acceptance of Application (Form PCT/DO/EO/903) identifying a 35 U.S.C. §371 and §102(e) date of 03 August 1999.


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